

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.45011 of 2008
BECHAN SARDAR, Son of Domi Sardar,
Resident of Village- Matkuriya,
P.S.- Triveniganj, District- Supaul :---Petitioner.
Versus
STATE OF BIHAR:---Opposite Party

For the Petitioner : Mr. Girish Prasad Gupta, Advocate.
For the Opposite Party : Mr. Nitya Nand Tiwari, A.P.P.

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3. 08.12.2008. Heard learned counsel for the petitioner and the State.

Petitioner is an accused in a case under Sections 395 and 412 of the Penal Code which has been lodged against 7-8 unknown criminals. It is submitted on behalf of the petitioner that he has been implicated in the instant case at the instance of Gautam Sardar, whereafter he and others were arrested and thereafter he also recorded his extra judicial confession. It is submitted on behalf of the petitioner that one Md. Mustkim is also named in the confessional statement of Gautam Sardar who has been admitted to the privilege of bail by another Bench of this Court under orders dated 10.11.2008 and the case of the petitioner is absolutely similar to that of Md. Mustkim as the antecedent of the petitioner as also of Md. Mustkim is not clean since they are accused in other 7-8 cases of similar nature.

Without noticing the fact that Md. Mustkim is accused in 7-8 cases of dacoity, he has been admitted to the privilege of bail under orders dated 10.11.2008 on the ground that he was not put on Test Identification Parade and relying on such order counsel for the petitioner desires that petitioner be also admitted to the similar privilege. I decline to do so as having noticed his antecedent that besides the present case he is accused in another 7-8 cases, I am not inclined to release him on bail. His prayer for bail is, accordingly, rejected.

(V.N.Sinha,J.)

P.K.P.